

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Madsen on 03/27/2008. The application has been amended as follows:

#### IN THE CLAIMS:

Claim 19, line 28, after 'precipitating agent for introduction into the dialysis cell', **delete** — ; and a precipitating agent concentration measurement device for measuring the concentration of the precipitating agent in the dialysis cell. —

Claim 19, line 28, after 'precipitating agent for introduction into the dialysis cell', **insert** — , in response to concentration measurements from the precipitating agent concentration measurement device. —

Claim 19, line 23, after 'fringes around the protein crystal;', **insert** — a precipitating agent concentration measurement device for measuring the concentration of the precipitating agent in the dialysis cell; —

Claim 28, line 28, after 'introduction into the outer vessel inlet', **delete** — ; and a precipitating agent concentration measurement device for measuring the concentration of the precipitating agent of the outer vessel. —

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Claim 28, line 28, after 'introduction into the outer vessel inlet', **insert** — , in response to concentration measurements from the precipitating agent concentration measurement device. —

Claim 28, line 25, after 'fringes around the protein crystal in the inner vessel;', **insert** — a precipitating agent concentration measurement device for measuring the concentration of the precipitating agent of the outer vessel; —

2. The following is an examiner's statement of reasons for allowance:

Claims 19, 21-26 and 28 are allowable over the prior art, since the prior art fails to teach or fairly suggest an apparatus for producing a protein crystal, comprising an inner vessel having a dialysis membrane and containing a protein solution and a quartz thin plate with a surface portion provided with a light reflecting thin film; an outer vessel containing a protein precipitating agent; a protein concentration measurement device for measuring a concentration of the protein solution; a protein solution inflow source selector for controlling a concentration of the protein solution; an interferometer for observing interference fringes around the protein crystal; a precipitating agent concentration measurement device for measuring the concentration of the precipitating agent in the dialysis cell, and a precipitating agent inflow concentration control element for controlling a concentration of the precipitating agent in the protein solution around the protein crystal, the control element adjusting the concentration of the precipitating agent for introduction into the dialysis cell, in response to concentration measurements from the precipitating agent concentration measurement device.

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3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 8 a.m.-4p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jill Warden/  
Supervisory Patent Examiner, Art Unit 1797